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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,237	09/18/2000	MARVIN T LING	GTX-001-CIP	4660
7590	09/22/2006		EXAMINER	
Nicola A Pisano Luce Forward Hamilton & Scripps LLP 11988 El Camino Real Suite 200 San Diego, CA 92130			POINVIL, FRANTZY	
		ART UNIT	PAPER NUMBER	3628
DATE MAILED: 09/22/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/665,237	LING, MARVIN T	
	Examiner	Art Unit	
	Frantzy Poinvil	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 17 July 2006.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-54 is/are pending in the application.
 4a) Of the above claim(s) 1,11-20 and 30-38 is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 2-10, 21-29 and 39-54 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- 1. The request for a continued examination of this application under 37 CFR 1.114 is acknowledged.**

Response to Arguments

- 2. Applicant's arguments filed 7/17/2006 have been fully considered but they are not persuasive.**
- 3. The Examiner's response to applicant's arguments is incorporated in the rejection found below.**

Claim Rejections - 35 USC § 103

- 4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 8-10, 21-22, 27-29, 39-43 and 45-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over considered with Williams et al. (US Patent No. 5,815,657) considered with Dorrough et al (US Patent No. 5,287,269).

As per claims 2, 3, 21, 22, 29 and 39, Williams et al teach a user may purchase electronic tokens. See column 17, lines 49-57 of Williams. Williams et al disclose issuing the one or more electronic tokens comprising setting a price for the one or more electronic tokens, the price determined by a vendor. Williams et al. disclose wherein registering the user with the vendor comprises acquiring personal information (column 11, lines 31-38). Williams et al further teach displaying a number of available electronic tokens in the user account on a computer screen (see column 18, lines 2-12).

The electronic tokens can be used for the payment of an electronic transaction. See column 1, lines 16-26 and column 17, line 49 to column 19, line 3 of Williams et al. Williams et al disclose loading of a user account with electronic tokens or electronic money. Applicant is further directed to column 1, lines 16-26 and column 17, lines 49-57 of Williams et al. A user in the system of Williams et al is allowed to order at least one of a plurality of products or services offered by a vendor. See figures 11-12 and 20 of Williams et al.

Applicant has amended the independent claims to recite a function of determining whether the user has “adequate funds to finance the purchase of electronic tokens from the vendor, the electronic tokens being issued and redeemable by the vendor, each of the electronic tokens having a predetermined nominal value, the purchased electronic tokens being stored after purchase in a user account with the vendor”, and argued that

Williams is directed at an electronic payment system, called PayWindow, that is independent of any vendors and managed by a financial institution. PayWindow collects financial information from consumers and enables payments to any vendors that accept the

PayWindow system. Upon a purchase, PayWindow provides a graphic display of a wallet that allows the consumer to select the preferred payment system (for example, a credit card or an electronic fund transfer), the consumer being debited in legal currency and in centesimal amounts, if appropriate.”.

In response, to simplify the applicant’s comments regarding the applied reference “Williams et al.”, applicant is arguing that that users in the system of Williams et al. are allowed to purchase tokens or electronic coins from a third party whereas in the instant independent claims 2 and 39, users are only allowed to purchase the electronic tokens or coins from a merchant and the coins must be used for purchasing goods or services at that merchant only.

As per this limitation, the Examiner asserts that such an obvious difference does not render patentable differences. It should be noticed that if a merchant desires to sell electronic tokens only to be reused for purchasing goods or services at his/her site or location, such would have resulted in an increased traffic and volume of purchased goods thereby increasing sales volume and profit. That merchant would have also provided an incentive to purchase electronic coins or tokens at his/her location thereby providing an increase volume of purchasers and profit for that merchant.

As such it would have been obvious to one of ordinary skill in the art when viewing Williams et al. to make such a modification therein in order to increase sales traffic in the system of Williams et al.

In so doing, the user would have registered with the vendor. Also, whenever a purchase is attempted to be made by a purchaser who has an account, steps or functions of

determining whether the user has a sufficient funds or in this case steps or functions of determining whether the purchaser has a sufficient number of electronic tokens in the user's account to cover the purchase would have been made for proper payment purposes.

Williams et al. do not explicitly state determining whether a user has an account balance exceeding a predetermined amount is performed after registering is completed.

Dorrough et al disclose a system and method for allowing access to events and activities in a particular location. In so doing, Dorrough et al. teach registering a user and opening a user account with a vendor for the user (column 7, lines 7-34) wherein the user account is loaded with available funds to facilitate a financial transaction or conducting commerce transactions with the vendor (column 7, lines 35-67). Dorrough et al further disclose providing credit units or tokens for playing video games. These credit units are contained in a portable medium representing value or monetary value when in contact with an electronic device. Dorrough et al further teach providing products and services that may be purchased (column 6, lines 21-37), through the vendor (such as a recreational area) permitting the user to select a subset of the products and services for purchase (column 8, lines 26-41).

Dorrough et al further teach determining whether the user has an account balance exceeding a predetermined amount sufficient to cover a purchase of at least one of a plurality of products or services offered by the vendor, wherein determining whether the user has an account balance exceeding a predetermined amount is performed after registering is completed. Applicant is directed to column 10, lines 25-

Art Unit: 3628

40, column 11, lines 55-67 and column 12, line 53 to column 13, line 7 of Dorrough et al.

The receiving, determining, enabling, transmitting, and delivering are each performed by a vendor server computer.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the electronic tokens or electronic money of Williams et al with the system of Dorrough et al in order to allow clients to perform convenient cashless transactions covering items such as in "low-cost transactions".

As per claim 8, 27, the combination of Williams et al and Dorrough et al disclose presenting the user with descriptions of the plurality of products or services.

As per claims 9 and 28, updating the account balance based on the purchase selection would have been obvious to one of ordinary skill in the art to do in the combination of Williams et al. and Dorrough et al whenever a payment is made from the user's credit data or credit cards for account reconciliation purposes.

As per claim 10, in the combination of Williams et al and Dorrough et al, a user is able to confirm the purchase selection.

As per claim 40, in the combination of Williams et al and Dorrough et al the combined system requests at least one of personal information and payment information from the user.

As per claims 41-43, see the combination of Williams et al. and Dorrough et al.

As per claims 45-47, see the combined teachings of Williams et al. and Dorrough et al.

As per claims 48 and 49, the combination of Williams et al and Dorrough et al do not explicitly teach enabling the user to trade at least some of the electronic tokens with another user. As per this claimed limitation, it has been well known in the art of commerce that trading of coins exist for a long time before the applicant's claimed invention. Providing such a feature in the combination of Williams et al and Dorrough et al would have been left to the users or to the owners of the combined system as such does not affect the structural system of Williams et al and Dorrough et al. Such would have been a business decision which would have benefited involved entities such as the vendor receiving a commission from the trade between users.

As per claim 50, in the combination of Williams et al and Dorrough et al, see Williams et al and Dorrough et al.

As per claim 51, Williams et al disclose creating commercial agreements between different vendors by allowing purchasers of electronic tokens to purchase goods/services at vendors accepting electronic tokens. The combination of Williams et al and Dorrough et al does not explicitly state the electronic tokens issued by a first vendor are accepted for payment by a second vendor. The Examiner notes analogous usages of credit card issued by a first merchant or store being accepted by a second merchant or store. Performing the same in the combination of Williams et al and Dorrough et al would have been obvious to one of ordinary skill in the art to do in order to increase sales volume and profit.

As per claims 52-53, the combination of Williams et al and Dorrough et al does not explicitly teach the electronic tokens are accepted for payment by the second vendor as a

business decision as noted above in the rationale taken for claim 51. The electronic tokens being accepted for payment by the second vendor at a discount would have been obvious to one of ordinary skill in the art to do in the combination of Williams et al and Dorrough et al in order to provide some kind of incentive to the second vendor thereby encouraging performing business with the second vendor. In so doing an interpayment system between the different entities or vendor would have been enabled to facilitate payments and the redemption of the provided discount.

As per claim 54, Williams et al teach the user purchasing the electronic tokens provides personal information to the first vendor upon the purchase of the electronic tokens, and the personal information is fed into a user database. Williams et al and Dorrough et al do not explicitly state the second vendor has access to the user database. It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the second vendor to have access to the user database whenever an attempt to purchase an item is made by the user at the location of the second vendor so as to determine if the user has sufficient funds to cover the desired transaction. Such would have been made also for security purposes.

5. Claims 4 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al. (US Patent No. 5,815,657) considered with Dorrough et al (US Patent No. 5,287,269) as applied to claims 2 and 21 above in view of "AMBALINK UNIVERSAL NEWS SERVICES LIMITED", Universal News Services, PR Newswire, London June 8, 1999.

Art Unit: 3628

As per claims 4 and 23, the teachings of Williams et al and Dorrough et al are discussed above. The combined teachings do not explicitly teach the step of "electronically delivering includes transmitting an authorization code". As per this feature, the Ambalink system teaches consumers making online purchases and an authorization code is transmitted to the consumers. See the entire document. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a step or means for transmitting an authorization code to the user as taught by Ambalink into the teachings of Williams et al and Dorrough et al in order to allow a user/purchaser to authenticate a transaction and/or for dispute resolution purposes.

6. Claims 5-7 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al. (US Patent No. 5,815,657) considered with Dorrough et al. (US Patent No. 5,287,269) as applied to claims 2 and 21 above in view of Friedland et al. (US Patent No. 6,449,601).

The teachings of Williams et al and Dorrough et al. are discussed above. Williams et al and Dorrough et al do not explicitly teach the features of claims 5-7 and 24-26.

As per claims 5, 24, Friedland et al disclose requesting account information from the user if a determination is made that the user has no account that permits the user to conduct electronic commerce transactions with the vendor and receiving the account information from the client device. See column 11, line 39 to column 12, line 41 of Friedland et al.

As per claims 6 and 25, the teachings of Williams et al and Dorrough et al are discussed above. The combined teachings failed to explicitly state the claimed requesting and preventing steps. As per claims 6, 25, Friedland et al disclose preventing the user from viewing a portion of information relating to the plurality of products or services offered by the vendor if a determination is made that the user has an account balance less than the predetermined amount. Note column 11, line 39 to column 12, line 41.

As per claims 7, 26, Friedland et al disclose preventing the user from viewing a portion of information relating to the plurality of products or services offered by the vendor if a determination is made that the user has no account that permits the user to conduct electronic commerce transactions with the vendor. Note column 11, line 39 to column 12, line 41 .

As per claims 5-7 and 24-26, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Friedland et al into the combination of Williams et al and Dorrough et al in order to not waste too much time and/or computer resources with users unable to make a particular purchase thus, allocating computer resources to registered users who have sufficient funds to cover a particular transaction.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached at (571) 272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Frantzy Poinvil
Primary Examiner
Art Unit 3628

FP
September 5, 2006